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June 14, 2006

Lawrence H. Norton, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: MUR 5733

Dear Mr. Norton:

This letter is in response to the complaint filed in MUR 5733. The response is filed on behalf of respondents Jack Davis, Davis for Congress, Save American Jobs PAC, and Save Jobs Party. For the reasons given below, the Commission should take no action on this complaint, and the matter should be summarily dismissed.

The Commission will dismiss a complaint that fails to allege specific facts which if proven true would constitute a violation of Federal Election Campaign Act ("the Act"). See 11 C.F.R. 111.4(d) and 11 C.F.R. 111.5(b) (2005). Each of complainant's allegations lacks a factual basis, is easily refuted by facts on the public record or would not constitute a violation of the Act even if the allegation were true. The complaint also includes allegations of violations of state law. These matters are outside the jurisdiction of the Commission and apparently have been included for political purposes. Consequently, this letter will not address any of those claims. The defects in those portions of the complaint that allege violations of the Act are set forth below.

Allegations relating to the Save Jobs Party.

In prior correspondence with the Commission, the Save Jobs Party notified the Commission that it mistakenly registered as a political committee with the Commission. The Save Jobs Party has neither received nor made any contributions or expenditures for the purpose of influencing a federal election. The Save Jobs Party does not function as a political party as that term is defined in the Act, 2 USC § 431(16). It does not nominate candidates for federal office, and it does not financially support candidates for federal office. The Save Jobs Party was created under New York law for the sole purpose of supporting state and local candidates who share a

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concern that the nation's trade policies are having a disastrous long term impact on jobs in New York. The Save Jobs Party has not nor will it make contributions or expenditures in support of candidates for federal office.

The Save Jobs Party has filed a termination report with the Commission to correct the administrative error that led to its original filing. It is clear from the complaint that the complainant has thoroughly reviewed the public record and is aware that the Save Jobs Party is seeking to terminate because it does not engage in activities that would require it to report to the Commission. Despite this knowledge, the complainant claims a violation of the Act without identifying any contribution or expenditure that the Save Jobs Party has made. This failure underscores the basic vacuity of the allegation.

The Save Jobs Party has acknowledged its error in registering with the Commission and has taken the necessary steps to correct the public record. An administrative error made by a staff person who misunderstood the law should not form the basis for prolonging a matter that essentially has been resolved by the correction of the public record. Complainant brings to light no additional facts that would justify further investigation of this matter.

Allegations relating to non-federal funds

Complainant makes allegations regarding the "use of soft money for federal elections" that is so confusing that it is near impossible to determine what violation of law is being alleged. The complaint refers to Commission regulations regarding "shadowy so-called '527' committees" without citing the regulation that supposedly has been violated. This shortcoming is telling inasmuch as it is coming from a complainant lawyer who is knowledgeable of the law. If the complainant is referring to the allocation requirements of 11 CFR § 106.6, he is presumably aware that this section of the regulations applies to nonconnected committees that make disbursements in connection with both federal and nonfederal elections. Neither the Save Jobs Party nor Save American Jobs PAC falls into this category and therefore are not subject to this regulation. Neither of these entities has made any disbursement in connection with a federal election. An examination of the "evidence" offered by complainant demonstrates absence of a factual foundation for the allegation.

Complainant identifies five disbursements from February through April 1995 totaling \$1407.93 that complainant alleges were in connection with a federal election. At that time, Jack Davis had not become a candidate for federal office. Save American Jobs PAC disbursed those funds for the purpose of increasing its effectiveness in

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promoting the protection of American jobs. Four of those disbursements appear to relate to training at the Leadership Institute which is a conservative educational foundation organized and operating under section 501(c)(3) of the Internal Revenue Code and which does not support any candidate for election to any office. Complainant certainly is grasping at straws when he tries to characterize these disbursements as being in connection with a federal election.

Allegation relating to affiliation

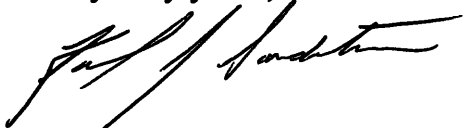
This allegation is devoid of specific facts that would constitute a violation of the Act. As stated above, neither the Save Jobs Party nor Save American Jobs PAC is a political committee for the purposes of the Act. Complainant does not allege facts that would support a contrary conclusion. If they are not political committees, there is no basis for considering them affiliated committees under 11 C.F.R. § 100.5 (g).

Allegation relating to use of corporate funds

The complainant's allegation in this regard again lacks the specific facts and legal foundation that would support a reason to believe finding. In fact, even read generously, nothing in the complaint would constitute a violation of law were it proven to be true. Jack Davis like any other individual may engage in "testing the water" activities to determine whether he should become a candidate. These activities may include polling and travel. He may seek liability protection for his testing the water activities by incorporating his exploratory committee. The only corporate expenditure that is in fact alleged is the use of the physical address of Mr. Davis's company to register domain names. This use did not involve the expenditure of any corporate funds. The allegation of a corporate contribution is simply frivolous.

For all the above reasons, this matter should be quickly dismissed in order to deprive the complainant of the political benefits that he obviously seeks by filing this frivolous complaint.

Very truly yours,



Karl J. Sandstrom
Counsel to Respondents

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